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SENATE BILL 809

By Harper

AN ACT to amend Tennessee Code Annotated, Title 62, to enact
"The Tennessee Plumbing Trades Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, is amended by Sections 2 through 18 of this act as a new chapter thereto.

SECTION 2. This act shall be known and may be cited as the "Tennessee Plumbing Trades Act".

SECTION 3. The types of plumbing systems used in society and the manner in which they are constructed, installed and maintained have a direct and substantial impact on public health, safety and the environment. Improper construction or maintenance of plumbing systems can be potentially lethal, can cause widespread disease and epidemics of disastrous consequences, damage property and cause other adverse effects on public health and safety. Plumbing, including back-flow prevention, is a highly skilled trade. Establishing minimum plumbing standards is essential to protecting public health and safety. It is likewise critical to ensure that uniform, modern construction standards and regulations are used and enforced throughout the state for all plumbing work.

SECTION 4. The intent of the general assembly is to:

(1) Provide minimum standards for the protection of life, health, property and the environment and the safety and welfare of the consumer, general public and owners and occupants of buildings and structures;

(2) Encourage uniformity and economy in construction and construction materials consistent with nationally recognized standards;

(3) Permit to the fullest extent feasible the use of modern technical methods, devices and improvements consistent with reasonable requirement for the health, safety, and welfare of occupants or users of buildings and structures;

(4) Ensure that plumbing work is performed by persons who have proven their knowledge of and skill in the plumbing trades;

(5) Ensure that officials charged with the administration and enforcement of the technical provisions of this act are adequately trained and supervised;

(6) Ensure that officials charged with the administration and enforcement of the technical provisions of this act are adequately trained and supervised; and

(7) Ensure that adequate standards of skill are maintained through testing and certification for those engaged in the plumbing trades by establishing local boards of examiners for the plumbing industry to ensure proper qualification and examination of plumbers and to ensure proper adherence to and enforcement of this act and applicable rules and regulations promulgated pursuant thereto.

SECTION 5. This act shall apply to construction, renovation, installation, alteration, extension, removal, repair, maintenance and service of all plumbing systems in the state, including all back flow prevention. Nothing in this act shall apply to plumbing work performed by persons on their own residences.

SECTION 6. As used in this act, unless the context otherwise requires:

(1) "Apprentice plumber" means any person who is engaged in learning and working at the plumbing trade under the direct on-the-job supervision of another person

certified in accordance with the provisions of this act and enrolled in a registered apprenticeship program in accordance with this act;

(2) "Back-flow" means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source;

(3) "Back-flow prevention" means the work and practice, materials, instrumentation, and fixtures used in the construction, installation, alteration, extension, removal, repair, maintenance, or renovation of approved devices designed to prevent or restrict back flow in any plumbing system;

(4) "Contractor" means any person who for a fixed price, commission, fee, or percentage undertakes to bid upon, accepts, or offers to accept, orders or contracts for performing, managing, or superintending, in whole or in part, plumbing work; and

(5) "Cross-connection" means any physical link in a public or consumer's potable water supply system that allows back flows or any other source of contamination or pollution;

(6) "Inspector" means any person employed by a political subdivision for the purpose of inspecting plumbing work in connection with the provisions of this act and any applicable code or regulations, or any other health and safety laws and ordinances, and has met the qualifications for inspector certification in accordance with the provisions of this act. Inspectors shall not have any financial or advisory interests in any plumbing company;

(7) "Journeyman plumber" means any person, other than a master or apprentice, who engages in or works at the plumbing trade subject to inspection under any law, rule, or regulation pertaining to the plumbing trades and who has completed the requirements for a journeyman certification under the provisions of this act;

(8) "Master plumber" means any person, other than a journeyman or apprentice, who engages in or works at the plumbing trade subject to inspection under any law, rule, or regulation pertaining to the plumbing trades and who has completed the requirements for master certification under the provisions of this act;

(9) "Maintenance work" means changing the working parts of faucets or valves of plumbing fixtures equipped with exposed fixtures supply stop, the repair or replacement of fixture trim; or the clearing of stoppages but only through clean-out fittings approved by applicable health codes adopted by the Tennessee department of health or through vent terminal openings. Maintenance work does not include construction, installation, or repairs;

(10) "Medical gas piping installation" means the work or business of installing in buildings and premises piping used solely to transport gases for medical purposes. Generally, it shall refer to a pipe distribution system characterized by a central supply (including bulk systems, manifold devices or medical air compressors) with control equipment and piping extending to points in a facility where non-flammable gases are required or utilized, with suitable outlet valve at each such point;

(11) "Medical gas piping installer" means any person who possesses the necessary qualifications and knowledge to install, repair, and maintain medical gas piping installations and is certified to do such;

(12) "Plumbing" means the work and practice, materials, instrumentation, and fixtures used in the construction, installation, alteration, extension, removal, repair, maintenance or renovation of any plumbing system or parts thereof;

(13) "Plumbing system" means all potable water building supply and distribution pipes, all plumbing fixtures and traps, all fixed appliances, all sanitary fixtures; all drainage and vent pipe(s), all building drains and building sewers, including their respective joints and connection devices, receptors, and appurtenances of the premises

and all potable pipes, all potable water treating or using equipment, all medical and medical vacuum systems, all fuel gas piping, all water heaters and vents for same;

(14) "Repair" means the performance of repairs to existing plumbing, the clearing of stoppages, or repairing leaks;

(15) "Registered apprenticeship program" means an apprentice training program that is registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training in accordance with the requirements of 29 C.F.R. ss. 29, and consists of, at a minimum, eight thousand (8,000) hours of documented practical experience combined with a minimum of one thousand (1000) hours of classroom and/or shop instruction in a trade subject to regulation under this act;

(16) "SPC" means standard plumbing code; and

(17) "State plumbing code" means the Standard Plumbing Code as published by the Southern Building Code Congress International.

SECTION 7.

(a) Each political subdivision shall establish a joint plumbing advisory board and joint plumbing licensing board or use existing plumbing licensing boards. Each political subdivision will determine the powers and duties of such boards.

(b) Each board will have not less than two (2) master plumbers, two (2) journeyman plumbers, two (2) plumbing contractors, and two (2) mechanical engineers.

(c) The board shall adopt tests of qualification to be possessed by any person actually engaged in the practice of a master plumber and/or journeyman plumber and shall require any person engaged in the duties of a master plumber to possess a master plumber's license. The board shall make such reasonable regulations as it may deem desirable in the performance of its duties and enforcement of the provisions of this act.

SECTION 8.

(a) No person shall engage in doing the work of a journeyman plumber unless that person possesses a license or renewal thereof issued by the local plumbing board. A journeyman plumber may engage in the art of plumbing only when such plumber is under the employment of a master plumber licensed by a local board.

(b) Apprentices may engage in the art of plumbing only when they are under the direct, constant, on-the-job supervision of a licensed journeyman plumber.

(c) The local board shall issue a license to any person who qualifies under the board's regulations and who desires to engage in doing the work of a journeyman plumber if such person passes a written and manual journeyman plumber's examination given by the board and pays the fees established by the board.

(d) No natural person shall engage in the work of a master plumber unless such person possesses a master plumber's license or renewal thereof issued by a local board. The board shall issue a master plumber's license to any person who qualifies under the board's regulations and who desires to engage in doing the work of a master plumber if such person passes a written examination given by the board and pays the fees established by the board for persons applying for a restricted master plumber's license.

(e) No employment entity shall hold itself out as in business of plumbing unless it employs a master plumber. No master plumber shall knowingly allow an employing entity to hold itself out as employing such master plumber at a time when it does not employ such master plumber.

(f) Every employing entity shall maintain and establish a place of business, with facilities for receiving complaints, calls, and notices during normal business hours from any person from which it is performing plumbing or from the local board and its representative.

SECTION 9.

(a) An application for journeyman plumber's license shall be completed and sworn by the applicant before a notary public. Each applicant, except those contemplating apprenticeship programs approved by the bureau of apprenticeship and training, must furnish references from a licensed plumbing contractor, verifying that, to their knowledge, the applicant has worked at the manual labor of the trade of plumbing and is qualified to take the examination without assistance, and provide whatever other information is requested by a local plumbing board.

(b) Local plumbing boards must satisfy themselves that an indentured apprentice plumber has satisfactorily completed the approved apprenticeship program.

(c) Applications for master plumber license shall be completed as sworn by the applicant before a notary public. The applicant must submit proof that such applicant is licensed by a local plumbing board at the time of application as a journeyman plumber or the applicant must submit proof that such applicant is an engineer licensed by the state of Tennessee with experience in plumbing. The applicant must furnish whatever other information relative to the applicant's experience that is requested in the application form or specially requested by the state plumbing board.

SECTION 10.

(a) An applicant for a master plumber examination and certification shall have held a current and valid journeyman plumber license issued by a local plumbing board for not less than five (5) years.

(b) An applicant for a journeyman plumber examination and certification shall have:

(1) Sufficient education to read and write the answers to the examination questions;

(2) Evidence demonstrating completion of a registered apprenticeship program for plumbing; and

(3) A minimum eight thousand (8,000) hours of documented practical experience in the installation or maintenance of plumbing systems under the supervision of a licensed journeyman plumber.

(c) Local boards shall issue a permit to any person seeking to learn and work at the plumbing trade under the direct on-the-job supervision of another person certified in accordance with the provisions of this act who:

(1) Completes and swears before a notary public an application for an apprentice permit established by the board;

(2) Presents competent evidence, in a form acceptable to the board, demonstrating that the applicant is enrolled in a registered apprenticeship program in accordance with this act; and

(3) Pays the appropriate fees established by the board.

SECTION 11.

(a) The board may issue a certificate or apprentice permit provided for in this act, without examination, to any currently practicing, competent person who holds a similar authorization granted by any other state according to its law which establishes qualification requirements substantially similar to, or greater than, those established under this act, provided that the state grants authorizations to practice plumbing to any currently practicing, competent person holding a certification under this act.

(b) The board may issue a certification to any person who:

(1) Completes and swears before a notary public an application for certification by reciprocity established by the board;

(2) Presents competent evidence in a form acceptable to the board, demonstrating that the applicant is a currently practicing, competent person who holds a similar authorization granted by any other state according to its law which

establishes qualification requirements substantially similar to, or greater than, those established under this act; and

(3) Pays the appropriate fees established by the board.

SECTION 12. To permit the effective and orderly implementation of this act, the following shall apply:

(1) There shall be a one-year period from the effective date of this act that shall serve as a grace period for all persons applying for master certifications, journeyman certifications, or specialized endorsements required under the act.

(2) During the one-year grace period no person shall be required to possess any certification or endorsement mandated by this act to perform work regulated by this act, provided he or she has submitted the necessary certification application within one hundred eighty (180) days from the effective date of this act.

(3) During the one-year grace period, an applicant may apply for a journeyman certification or endorsement, even if the applicant does not satisfy the apprenticeship requirements of that certification or endorsement. However, such applicants shall comply with all other certification requirements of this act and successfully pass the test established for the plumbing trade.

(4) Any person whose application is denied by the board shall be immediately prohibited from engaging in the plumbing trade.

(5) The holder of a master certification, journeyman certification, and/or specialized endorsement in any trade covered by this act shall be authorized to engage in the trade and/or specialty field, for which he or she has been issued certification or endorsement.

(6) All persons currently holding a master certification, and journeyman certification shall be considered certified in the plumbing trade provided their licenses are renewed annually.

SECTION 13.

(a) Plumbing contractors shall maintain:

- (1) A valid master plumber certification;
- (2) Workers' compensation insurance as required by law;
- (3) Motor vehicle bodily injury, and property damage liability insurance in the minimum amount required by law; and
- (4) Comprehensive general liability and property damage insurance in the minimum amount of one hundred thousand dollars (\$100,000), except on plumbing work done in counties with less than a population of thirty thousand (30,000); on buildings, residences, or structures being no more than six thousand (6,000) square feet of interior space, the minimum aggregate amount shall be fifty thousand dollars (\$50,000).

(b) The certification of insurance shall contain a provision and the policy shall be so endorsed, that the insurance carrier shall notify the board, in writing, at least thirty (30) days prior to any change in or cancellation of the insurance policy or policies.

(c) In the event a master plumber changes such plumber's designation of an employing entity, the insurance requirements of this section shall remain in effect.

SECTION 14. All licensing fees, as well as examination fees, shall be determined by the local board.

SECTION 15.

(a) No natural person shall engage in the work of a cross-connection control specialist unless such person possesses an endorsement to either a master plumber license or a journeyman plumber license or renewals thereof issued by a local plumbing board. The board shall issue such an endorsement to either form of license to any person who qualifies under the board's regulations and who desires to engage in doing the work of cross-connection control specialist, if such person passes the examination given by the board and pays the fees established by the board.

(b) No person shall engage in doing the work of a journeyman plumber unless such person possesses a license or renewal thereof issued by the board. A journeyman plumber may engage in the art of plumbing only when such plumber is under the employment of a master plumber licensed by the board.

(c) Apprentices may engage in the art of plumbing only when they are under the direct, constant, on-the-job supervision of a licensed journeyman plumber.

(d) No natural person shall engage in the work of a master plumber unless such person possesses a master plumber's license or renewal thereof issued by the board. A person issued a master plumber's license shall designate to the board, as required by the rules of the board, an employing entity, which may be a corporation, partnership, or sole proprietorship. A licensed master plumber shall notify the board of any change of employment status with an employing entity within thirty (30) days of the effective date of change in employment status. A master plumber shall designate no more than one (1) employing entity at any time. The board may charge a reasonable fee for processing such redesignations.

(e) No employing entity shall hold itself out as engaging in the business of plumbing unless it employs a master plumber. No master plumber shall knowingly allow an employing entity to hold itself out as employing a master plumber at a time when it does not employ such plumber.

SECTION 16. Nothing in this act shall be construed to apply to any employee of any municipal department or gas, sewer, and/or water district system.

SECTION 17. This act shall not apply to any activity required to be licensed by the Contractors Licensing Act of 1994 nor to medical gas piping work.

SECTION 18. Any person not licensed under this act who engages in any work for compensation for which a license is required commits a Class A misdemeanor.

SECTION 19. The official plumbing code for the state of Tennessee shall be the Standard Plumbing Code.

SECTION 20. This act shall take effect upon becoming a law, the public welfare requiring it.